

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ALBERT D. TANNER,**

**Petitioner,**

**v.**

**JEFFERY WOLFE, Warden,**

**Case No. 2:05-cv-00076  
JUDGE GRAHAM  
Magistrate Judge KING**

**Respondent.**

**OPINION AND ORDER**

On August 15, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that respondent's request for a stay of proceedings be granted. Doc. No. 18. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. Respondent's request for a stay of proceedings while petitioner exhausts state court remedies is **GRANTED**. Petitioner be directed to advise this Court every ninety (90) days of the status of state court proceedings. Additionally, he must advise the Court within thirty (30) days of completion of state court action. Failure to comply with the foregoing may result in dismissal of this action.

**IT IS SO ORDERED.**

s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: September 7, 2005